
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Horne.

DIGEST

Present law creates the homeowner policy premium assistance program for individuals needing assistance with payment of the homeowner's premium due on the homeowner's residence. Establishes the amount of assistance as equal to the pro rata share of funds available.

Proposed law requires the homeowner policy be in effect on June 30, 2009. Establishes payment to the homeowner in the form of a check issued by the Department of Revenue. Requires the amount of assistance to be determined by dividing the principal amount of funds available by the total number of eligible statewide policyholders.

Proposed law provides a definition for "homeowner's insurance" as a policy of insurance on a one-or two-family owner occupied premise as well as mobile home policies, debit fire insurance policies and condominium policies. Excludes renters policies. Defines "insurers" as both authorized insurers and approved unauthorized insurers to the extent such insurers write the homeowner's policies.

Proposed law authorizes the commissioner to obtain from all insurers writing homeowner's insurance in the state the necessary documents or information for determining policyholders entitled to receive assistance as well as the amount of assistance to be distributed. Requires insurers to submit requested documentation within 90 days of the commissioner's written request. Provides that the information obtained be maintained as confidential and not subject to subpoena.

Proposed law requires the list of policyholders entitled to assistance and the pro rata amount to be distributed to each policyholder to be delivered by the commissioner to the Department of Revenue in an electronic format established by the commissioner.

Proposed law requires the Department of Revenue to issue checks payable to policyholders from the principal amount in the Insure Louisiana Incentive Program. Authorizes the Department of Revenue or the Department of the Treasury to obtain from the commissioner such information as may be necessary to administer the program. Authorizes the commissioner to audit the insurer providing information in order to verify information received on policyholders who qualify for assistance.

Proposed law requires that any monies distributed to a policyholder which are returned, unclaimed or unexpended for any purpose be administered by the Department of the Treasury in accordance with the Uniform Unclaimed Property Act. Requires interest that has accrued and is remaining after the distribution to be set aside and used first for payment to policyholders who prove they are entitled to a distribution under the program but were initially omitted and thereafter be used towards any administrative costs incurred by the Department of Revenue to administer the program.

Proposed law requires anyone who has not received a distribution under the program and claims to be entitled to a disbursement to file a claim with the office of consumer advocacy in the Department of Insurance on or before December 31, 2010.

Proposed law requires that any interest earnings in the program as of January 1, 2011 that are determined to be unobligated be used by the Department of the Treasury to accelerate payoff of the Unfunded Accrued Liability of the state retirement systems.

Proposed law requires the Department of Revenue to place a notice to entitled homeowner insurance policyholders either on the check or with the check designating the distribution as the "Louisiana Property Insurance Premium Credit."

Effective August 15, 2009.

(Amends R.S. 22:2372 and R.S. 44:4.1(B)(10))